

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

August 11, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, July 7, 2009, pp.11-15**
- IV. Budget Amendments – Yes, pp.16-21**
- V. New Business, pp.24-74**
- VI. Continuing Business / Presentations**
 - A. Budget & Finance Committee, pp.75-77**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Social Services, Division of Family Services. (459-09) (Allen/Helm)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances within the Division of Family Services to abolish one (1) position of Health Clinic Nurse – RN Supervisor (Grade 116E) effective July 31, 2009; one (1) position of Health Clinic Director (Grade 118E), one (1) position of Administrative Specialist Principal (Grade 114E), one (1) position of Health Clinic Nurse – RN (Grade 114E), one (1) position of Administrative Specialist (Grade 110N), four (4) positions of Certified Medial Assistant (Grade 110N), and six (6) positions of Staff Assistant Sr. (Grade 108N) effective June 30, 2009. The also amends Section 22-5 of the Code of Ordinances effective June 30, 2009, to abolish one (1) position of Health Clinic Nurse P/T (Grade 114E) and one (1) position of Staff Assistant P/T (Grade 106N) effective June 30, 2009. The fiscal impact for FY2010 will be \$9,550 for the Health Clinic Nurse – RN Supervisor (Grade 116E) through July 31, 2009.**p.24**
- B. Authorization to Accept an Award from the Lexington-Fayette County Health Department (LFCHD) for Continuation of the Home Network Project at the Family Care Center – FY2010. (464-09) (P. King/Helm)
This request will authorize the acceptance of an anticipated award of \$414,712 in *fee-for-service* revenue from the LFCHD to continue the Home Network project at the Family Care Center. This project is funded by the Kentucky Cabinet for Health and Family Services from federal funds in the Kentucky Medical Assistance program and the tobacco settlement fund. A local match of \$31,750 is anticipated and has been requested from the FY2010 General Fund budget.**p.25**
- C. Authorization to Submit an Application to the Knight Foundation on Behalf of the Department of Social Services, Division of Youth Services, for the *Another Chance* Program. (481-09) (P. King/Helm)
This request will authorize the submission of an application for funds in the amount of \$4,000 to the Knight Foundation to continue the *Another Chance* program for high school dropouts between the ages of 16 and 18. This program will provide tutoring, study skills training and instructions in collaboration with the Bluegrass Community and Technical College for completion of the General Education Development (GED) and / or into employment. Funds will be used for GED testing, work attire, fees, printing, food, field trips, incentives, consultant fees, supplies and transportation. No matching funds are required.**p.26**

- D. Authorization of a Mental Health Services Agreement with the Bluegrass Regional Mental Health-Mental Retardation (MH-HR) Board, Inc., on Behalf of the Department of Social Services, Division of Youth Services, (482-09) (Gales/Helm)
This request will authorize a Mental Health Services Agreement at a cost not to exceed \$2,000 with Bluegrass MH-MR Board, Inc., to provide youth, under court ordered jurisdiction or supervision of the Division of Youth Services, mental health and psychological assessments and competency evaluations. Funds are budgeted.**p.27**
- E. Authorization to Accept a Cash Donation from Marcella Nazario on behalf of the Department of Social Services, Family Care Center, for Purchase of Books and Supplies for the Early Start Program. (487-09) (Hendrix/Helm)
This request will authorize the acceptance of a cash donation of \$300 from Marcella Nazario in honor of her son, Sebastian, who is a graduate of the Fayette County Public School Early Start program located in the Family Care Center. Funds will be used to purchase children's books and supplies.**p.28**
- F. *Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water Quality. (460-09) (Allen/Taylor)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances within the Division of Water Quality to abolish one (1) position of Municipal Engineer (Grade 117E) and one (1) position of Treatment Plant Operator (Grade 113N), create one (1) position of Municipal Engineer Sr. (Grade 119E) and one (1) position of Staff Assistant Sr. (Grade 108N); and amend Section 22-5 of the Code of Ordinances to abolish one (1) position of Municipal Engineer Sr. P/T (Grade 119E) and create one (1) position of Project Engineering Coordinator (Grade 119E) to expire June 25, 2013. The fiscal impact for FY2010 is \$59,721 and will be funded by the Sewer Fund Balance.**p.29**
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- G. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Waste Management and the Department of General Services, Division of Facilities and Fleet Management. (461-09) (Allen/O'Mara)
This request will authorize an amendment to Sections 21-5 of the Code of Ordinances to create one (1) position of Administrative Officer (Grade 118E), one (1) position of Public Service Supervisor Sr. (Grade 114E), two (2) positions of Equipment Operator Sr. (Grade 109N), one (1) position of Enforcement Officer (Grade 110N), five (5) positions of Public Service Worker (Grade 106N), and (1) position of Operations Manager (Grade 116E) within the Division of Waste Management; and one (1) position of Security Officer (Grade 106N) and two (2) positions of Security Officer P/T (Grade 106N) within the Division of Facilities and Fleet Management. This amendment is effective June 22, 2009. Funds are budgeted.**p.30**

- H. Authorization to Amend Resolution No. 500-2009 Regarding Salary of a Probationary Civil Service Appointment. (463-09) (Allen/O'Mara)
This request will authorize an amendment to Resolution No. 500-2009, Section 1, regarding salary of probationary civil service appointment of Dann Dettman. The amendment will correct the salary amount from \$2,289.28 bi-weekly to read \$2,389.28 bi-weekly. There are no other changes associated with this amendment. There is no budgetary impact.**p.31**
- I. Authorization to Amend Resolution No. 517-2009 Regarding Salary of a Probationary Community Corrections Officer Appointment. (469-09) (Allen/O'Mara)
This request will authorize an amendment to Resolution No. 517-2009, Section 2, regarding salary of probationary Community Corrections Officer appointment of Angela Mullins. The amendment will correct the salary amount from \$16.062 hourly to read \$15.062 hourly. There are no other changes associated with this amendment. There is no budgetary impact.**p.32**
- J. Authorization to Accept an Award from the Kentucky Justice and Public Safety Cabinet on Behalf of the Department of Public Safety, Division of Police, for the Law Enforcement Service Fee Grant Program – FY2010. (465-09) (P. King/Bennett)
This request will authorize the acceptance of state funds in the amount of \$40,583 from the Kentucky Justice and Public Safety Cabinet on behalf of the Division of Police for the Law Enforcement Service Fee Grant program. Funds will be used for overtime hours of police officers involved in traffic alcohol patrol. No matching funds are required.**p.33**
- K. Authorization to Accept an Award Offered by the Kentucky Justice and Public Safety Cabinet on Behalf of the Department of Public Safety, Division of Police and the Fayette County Commonwealth Attorney's Office for Continuation of the Street Sales Drug Enforcement Project – FY2010. (466-09) (P. King/Bennett)
This request will authorize the acceptance of an award of federal funds from the US Department of Justice, Edward Byrne Memorial Justice Assistance Grant program in the amount of \$150,000 offered by the Kentucky Justice and Public Safety Cabinet on behalf of the Division of Police and the Fayette County Commonwealth Attorney's Office to continue the Street Sales Drug Enforcement project. A local match of 25% (\$50,000) is required. Matching funds of \$37,084 is budgeted in the Division's General Fund budget. Matching funds of \$12,916 is provided in the General Fund budget for the Commonwealth Attorney's Office. Total project cost is \$200,000.**p.34**

- L. Authorization of an Administrative Modification Agreement to Agreement with the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Emergency Management / 911 Regarding the Metropolitan Medical Response System (MMRS) Project. (471-09) (P. King/Bennett)
This request will authorize an administrative modification agreement to agreement with the Kentucky Office of Homeland Security on behalf of the Division of Emergency Management / 911 regarding the MMRS project. This modification agreement will correct the project date from June 30, 2009 to read July 31, 2009. There are no other modifications associated with this agreement.**p.35**
- M. Authorization of an Agreement with the Internal Revenue Service on Behalf of the Department of Public Safety, Division of Police, for Reimbursement of Expenses. (472-09) (Bastin/Bennett)
This request will authorize an agreement with the Internal Revenue Service on behalf of the Division of Police for the reimbursement of certain expenses of local, county and state law enforcement agencies incurred as participants in joint operations / taskforces with US Department of Treasury agents. This agreement is established under 31 U.S.C 9703, the Treasury Forfeiture Fund Act of 1992.**pp.36-40**
- N. Authorization of a Facility Usage Agreement Offered by the Consolidated Baptist Church to the Department of Public Safety, Division of Police, for the Lexington Police Activities League (PAL). (483-09) (Bastin/Bennett)
This request will authorize a Facility Usage Agreement rent free offered by the Consolidated Baptist Church to the Division of Police, Lexington. Lexington PAL will use portions of the facility to provide public services to benefit the residents of Fayette County. The Division will pay for the installation of a phone line and the monthly phone line cost for an annual cost of \$728.90. The agreement is for one year. Funds are budgeted.**pp.41-45**
- O. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Army National Guard (KyARNG) on behalf of the Department of Public Safety, Division of Emergency Management / 911. (473-09) (Dugger/Bennett)
This request will authorize a MOU with KyARNG on behalf of the Division of Emergency Management / 911 that will grant permission for the Division to operate on the Department of Military Affairs Radio Communications Systems (DMARCS) radio frequencies licensed and assigned to KyARNG by the Federal Communications Commission through the Army Frequency Management Office. The DMARCS consist of 53 radio repeater sites positioned around 14 Kentucky Emergency Management (KyEM) areas and are linked through the Kentucky Emergency Warning Systems. The system will be used for day-to-day operational communications by the KyEM duty officers for sharing information and situational awareness between users in the field and the State Emergency Operations Center. There is no budgetary impact.**p.46**

- P. Authorization to Accept a Donation from the Madison County Emergency Management Agency on behalf of the Department of Public Safety, Division of Emergency Management / 911. (478-09) (Dugger/Bennett)
This request will authorize the acceptance of eleven (11) used federal signal outdoor warning sirens from the Madison County Emergency Management Agency.**p.47**
- Q. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) on behalf of the Department of General Services for the Gainesway Trail Project – FY2007. (470-09) (P. King/Cole)
This request will authorize the acceptance of an award of federal funds from the Surface Transportation program, Congestion Mitigation and Air Quality Improvement program in the amount of \$446,400 from KYTC on behalf of the Department of General Services for construction of the Gainesway Trail project. The trail will be a two-mile system for pedestrians and bicyclists that will connect Tates Creek High, Tates Creek Middle, Tates Creek Elementary, and Millcreek Elementary schools with Gainesway Park and the community center. A local match of 20% (\$111,600) is required and will be documented from the value of land owned by LFUCG. Total project cost is \$558,000.**p.48**
- R. Authorization to Rescind Resolution No. 105-2003 and Appoint the Commissioner of General Services as Attorney-in-Fact and Approve a Power of Attorney on Behalf of LFUCG Regarding US Department of Agriculture (USDA), Farm Service Agency (FSA) and Community Credit Corporation (CCC) Programs. (479-09) (Hancock/Cole)
This request will authorize to rescind Resolution No. 105-2003 dated March 6, 2003, and the appointment of the Commissioner of General Services as Attorney-in-Fact and approve the Power of Attorney on behalf of LFUCG with the USDA regarding all UCG-owned property subject to the FSA and CCC programs.**pp.49-50**
- S. Authorization of Change Order No. 2 to Contract with G & G Paving and Construction, Inc. for the Valley Park Parking Renovation Project. (488-09) (P. King/Cole)
This request will authorize Change Order No. 2 to increase contract amount by \$9,376.50 with G & G Paving and Construction, Inc. for the Valley Park Parking Renovation Project. This change order will allow for the widening of the park entrance, replacing a broken concrete headwall, and adding wheel stops and additional bollards. Original contract amount was \$37,100. Previous change order amount is \$3,600. New contract amount is \$50,076. Funds are budgeted.**pp.51-53**
- T. Authorization to Amend Section 21-5 of the Code of Ordinances for the Department of General Services, Division of Parks and Recreation. (491-09) (Allen/Cole)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of Deputy Director of Enterprise in the Division of Parks and Recreation. Funds are budgeted.**p.54**

- U. Authorization of Change Order No. 2 to Contract with MAC Construction & Excavating, Inc. Regarding the Meadows / Northland / Arlington Public Improvements Design – Phase 3B. (462-09) (P. King/Webb)
This request will authorize Change Order No. 2 to increase contract amount by \$24,976.85 with MAC Construction & Excavating, Inc. for the Meadows / Northland / Arlington Public Improvements Design – Phase 3B. The increase will compensate for costs incurred from March 2008 to February 2009 while waiting for utility relocation and property acquisition. Original contract amount was \$1,176,755. Previous change order amount was \$33,140.44. New contract amount is \$1,234,872.29. Funds are budgeted.**pp.55-57**
- V. Authorization of an Amendment to Agreement with the Kentucky Transportation Cabinet (KYTC) Regarding the Fiber Optic Cable Installation Project. (474-09) (P. King/Webb)
This request will authorize an amendment to agreement with KYTC to provide for the termination of agreement on June 30, 2010 regarding for the Fiber Optic Cable Installation project. All other terms and conditions of the original agreement remain in effect.**p.58**
- W. Authorization of Supplemental Agreement No. 3 to Agreement with the Kentucky Transportation Cabinet (KYTC) Regarding the Loudon Avenue Improvements Project. (475-09) (P. King/Webb)
This request will authorize Supplement Agreement No. 3 to Agreement for federal funds in the amount of \$360,000 offered by KYTC for the Loudon Avenue Improvements project to widen Loudon Avenue to three lanes from Oakhill Drive to Winchester Road. Funds will support final change order for increase cost of asphalt and diesel fuel. A local match of 20 % (\$90,000) is required and will come from the Municipal Aid Program. Total of federal funds allocated for this project is \$4,774,440. Total of local match funds is \$1,193,610. New project total is \$5,968,050.**pp.59-60**
- X. Authorization of Change Order No. 2 to Contract with Central Rock Mineral Company, LLC, (ATS Construction, LLC) Regarding the Loudon Avenue Improvements Project. (480-09) (P. King/Webb)
This request will authorize Change Order No. 2 in the amount of \$356,025.23 to contract with Central Rock Mineral Company, LLC, (ATS Construction, LLC) regarding the Loudon Avenue Improvements project. Funds will be used to compensate for the increased cost of asphalt and diesel fuel. Original contract amount was \$4,589,461.13. Total of previous change order was \$14,556. New contract amount is \$4,960,042.36. Funds are budgeted.**pp.61-63**
- Y. Authorization of Amendment to Agreement with Kentucky Utilities Companies Regarding the Todds / Liberty Road Reconstruction Project. (489-09) (P. King/Webb)
This request will authorize an amendment to agreement with KU for additional funds of \$48,318.45 as LFUCG's shared cost for the relocating and / or adjusting poles located on private right-of-ways for the widening of

Todds / Liberty Road Reconstruction project. Additional funds are a result of increased labor cost. The project is federally funded by the High Priority Project under the US Department of Transportation. Previous shared cost was approximately \$96,782. New shared cost is \$145,100.45. Funds are budgeted.**p.64**

Z. Authorization of a Professional Services Agreement with Berkley Appraisal Company for Appraisals Regarding the Citation Boulevard – Phase II. (490-09) (P. King/Webb)

This request will authorize a Professional Services Agreement in the amount of \$50,550 with Berkley Appraisal Company to perform before and after reports on twenty-nine (29) properties for the Citation Boulevard – Phase II construction from Southern Railroad to Leestown Road. The project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.65**

AA. Authorization for Temporary Construction and Permanent Sanitary Sewer Easements for the Beverly Avenue Sanitary Sewer Project. (476-09) (Rayan/Webb)

This request will authorize temporary construction and permanent sanitary sewer easements at a cost not to exceed \$50,000 from recorded property owners for the Beverly Avenue Sanitary Sewer project. Funds are budgeted.**p.66**

BB. Authorization for Temporary Construction and Permanent Sanitary Sewer Easements for the Leesway Drive Sanitary Sewer Project. (477-09) (Rayan/Webb)

This request will authorize temporary construction and permanent sanitary sewer easements at a cost not to exceed \$5,000 from recorded property owners for the Leesway Drive Sanitary Sewer project. Funds are budgeted.**p.67**

CC. Authorization of an Assignment of Collateral Agreement by and between Providence Business Center, LLC, Fifth Third Bank, and LFUCG Regarding the Construction of Providence Parkway. (468-09) (C. King/Webb)

This request will authorize an Assignment of Collateral Agreement by and between Providence Business Center, LLC, Fifth Third Bank and LFUCG for a portion of the exaction credits to be assigned to Fifth Third Bank from LFUCG under a letter of credit between Providence Business Center, LLC, and Fifth Third Bank. Under an Expansion Area Exaction Agreement between LFUCG and Providence Business Center, LLC, Providence is to receive exaction credits estimated at \$1,421,940 for the construction of Providence Parkway. There is no budgetary impact or risk to LFUCG.**p.68**

- DD. Authorization of Partial Release of Easements of Sanitary Sewer Easements on Properties located at 3207 Richmond Road and 105 Sand Lake Drive. (486-09) (Askew)
This request will authorize Partial Release of Easements of a portion of sanitary sewer easements on property located at 3270 Richmond Road, Section 1, Lot 1 and the future Section 2, Lot 2 of Sand Lake & Estates Properties and on property located at 105 Sand Lake Drive, Lot 1. The releases have been reviewed and approved by the Divisions of Engineering, Water Quality and Traffic Engineering, and the Department of Law. There is no budgetary impact for LFUCG.**p.69**
- EE. Authorization for the Issuance of Industrial Revenue Bonds (IRBs) to the Lexington Christian Academy. (484-09) (Wright/Kelly)
This request will authorize the issuance of IRBs Series 2003 up to the amount of \$12,800,000 to the Lexington Christian Academy to refund outstanding revenue bonds previously issued for certain various capital project and / or related items due to changes in the market conditions. Funds will be used for new locker room installation, kitchen improvements, and outdoor athletic facilities and lighting for parking lot. The Industrial Review Bond Review Commission recommends approval. There is no cost or liability to LFUCG.**p.70**
- FF. Authorization of a Resolution for the Kentucky Economic Development Finance Authority (KEDFA) to Issue Industrial Building Revenue Bonds for a New Goodwill Donation Center. (485-09) (Wright/Kelly)
This request will authorize a resolution for KEDFA to issue industrial building revenue bonds in the amount of \$1,751,000 for the construction and equipping of a new Goodwill Donation Center at 3010 Mapleleaf Drive. This center will create twelve (12) new jobs.**p.71**
- GG. Authorization of an Amendment to Chapter 25 of the Code of Ordinances Regarding the Ethics Commission. (492-09) (Rabold)
This request will authorize an amendment to Chapter 25 of the Code of Ordinances regarding the Ethics Commission to replace the nominating organization of *African Americans in Lexington Emerge (AALE)* with the *John Rowe Chapter of the National Bar Association*. The AALE has dissolved.**p.72**
- HH. Authorization of an Amendment to Section 14-83(3) of the Code of Ordinances Regarding the Stone Wall Appeals Board. (493-09) (Rabold)
This request will authorize an amendment to Section 14-83(3) of the Code of Ordinances to place the Stone Wall Appeals Board under the expertise of the Board of Architectural Review to hear appeals filed under the Stone Wall Appeals Board.**p.73**

II. Authorization to Approve a Change in Membership of the Industrial Revenue Bond Commission. (494-09) (Rabold)

This request will authorize the approval to change the membership of the Industrial Revenue Bond Commission of the position designated *from the Lexington Economic Development Commission* will changed to *a member from the community at-large*. The Lexington Economic Development Commission was repealed by Ordinance No. 227-89. This change will increase the membership without specific designation to four (4).**p.74**

***EPA CONSENT DECREE**